

# Board of Zoning Appeals: Application and Process Information

## Introduction:

The Board of Zoning Appeals is a five-member board recommended by the Board of Supervisors and appointed by the Circuit Court. The Board has the authority to a) hear and decide appeals from any order, requirement, or decision of the Zoning Administrator, b) authorize variances from the zoning ordinance, when, owing to special conditions a literal enforcement of the ordinance would result in unnecessary hardship, and c) grant special use permits as authorized by the Board of Supervisors.

If you disagree with a decision of the Zoning Administrator, you may file an appeal. **The appeal must be filed in writing within thirty days of the date of the Zoning Administrator's decision.**

If you want relief from a provision of the zoning ordinance, you may apply for a variance. A variance may be applied for at any time.

For either a variance, appeal, or special use permit, you must:

1. Fill out and sign the attached application form,
2. Provide a letter detailing the justification for the request, including any supporting documentation,
3. Provide a detailed scale drawing of the property and the proposed project, with a location map,
4. File fifteen (15) copies of all application materials at the Planning and GIS Services Office with the appropriate application fee (Make checks payable to "Treasurer of Montgomery County"):
  - Variance: \$500.00
  - Appeal: \$425.00
  - SUP: \$500.00

The Board of Zoning Appeals meets on the first Tuesday of every month. Each meeting is a public hearing and must be advertised two weeks in advance. In order to allow sufficient time for advertising, applications to be considered at a Board meeting must be received on or before the Thursday that falls nineteen (19) days before that meeting. Any later applications will be scheduled for the meeting of the following month.

## Rules Governing Justification for Variance:

In writing your justification for a variance request, you should carefully consider the following. Section 10-55(1)(g) states that the Board of Zoning Appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can show that:

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property because of:
  1. The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of the Zoning Ordinance, as amended; or
  2. The exceptional topographic conditions or other extraordinary situations or condition of the property; or
  3. The condition, situation, or development of the property immediately adjacent thereto.
- B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
- C. The property was acquired in good faith.
- D. Satisfactory evidence exists to support all of the following findings from Section 10-55(1)(e)
  1. The strict application of this Ordinance would produce undue hardship to the property owner;
  2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  3. Such variance is not contrary to the public interest nor to the intended spirit and purpose of this Ordinance;
  4. The granting of such variance will not be a substantial detriment to adjacent properties nor change the character of the zoning district in which the property is located;
  5. Such variance would result in substantial justice being done; and
  6. The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

# Montgomery County, Virginia: Application to the Board of Zoning Appeals

**Application for:** (check appropriate box)

- ☐ **Variance** to Section \_\_\_\_\_ of the zoning ordinance to allow: \_\_\_\_\_  
\_\_\_\_\_
- ☐ **Appeal** to Zoning Administrator's decision of \_\_\_\_\_ (date) regarding \_\_\_\_\_  
\_\_\_\_\_
- ☐ **Special Use Permit** in \_\_\_\_\_ (zoning district) to allow \_\_\_\_\_  
\_\_\_\_\_

Landowner: _____	Agent: _____
Address: _____	Address: _____
_____	_____
Telephone: _____	Telephone: _____
Cell phone: _____	Cell phone: _____
Fax: _____	Fax: _____
Email: _____	Email: _____

**Property Information:** 911 Address of Property \_\_\_\_\_  
Tax Parcel Number: \_\_\_\_\_ Zoning Class: \_\_\_\_\_ ID Acct. #: \_\_\_\_\_

I have attached the following:

- ☐ 1. Letter detailing the justification for the request (see attached guidelines), including any supporting documentation;
- ☐ 2. A scale drawing of the property and the proposed project, with location map; and
- ☐ 3. Application Fee
- ☐ 4. Fifteen (15) copies of application materials

*I certify that the information supplied on this application and on the attachments provided (maps and other information provided) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and the State of Virginia to enter the above property for the purposes of processing and reviewing the above application.*

_____ Landowner's Signature	_____ Date	_____ Agent's Signature	_____ Date
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**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Application Number: \_\_\_\_\_